



Docket No.: 242453US2

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 10/654,889
Applicants: Yoshitaka SAITA, et al.
Filing Date: September 5, 2003
For: METHOD AND APPARATUS FOR ETCHING SI
Group Art Unit: 1763
Examiner: Goudreau, G.A.

SIR:

Attached hereto for filing are the following papers:

Response to Restriction Requirement

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
YOSHITAKA SAITA, ET AL. : EXAMINER: GOUDREAU, G.A.
SERIAL NO: 10/654,889 :
FILED: SEPTEMBER 5, 2003 : GROUP ART UNIT: 1763
FOR: METHOD AND APPARATUS FOR :
ETCHING SI

RESPONSE TO RETRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement mailed February 1, 2005, Applicants elect the claims of Group I, claims 1-6, with traverse.

The restriction requirement is traversed on a number of grounds.

First, MPEP 803 states:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

Here, there has been no showing that the search and examination of the entire application would require a serious burden. Notably, an Office Action on the merits has already been issued in this application, and therefore, the Examiner purported to have already searched and examined all of the claims on the merits. Therefore, it is respectfully submitted that it has already been demonstrated that no serious burden is entailed in examining the entire application.

In addition, it is respectfully submitted that the reasons upon which the Office Action indicates restriction is proper are incorrect. The Office Action states that the apparatus can be used to practice another materially different process, such as substrates other than Si, or in which the substrate is isotropically etched. However, claim 7 was amended in response to the first Office Action to recite:

means for controlling the etching gas supply unit and the discharge unit to regulate a flow rate of the etching gas and the inner pressure of the processing chamber to maintain a residence time τ at a level equal to or greater than about 180 msec while etching the Si substrate or the Si layer, thereby forming therein a substantially vertical trench,

Accordingly, it is submitted that the reasons provided in the Office Action are incorrect.

For the reasons set forth in the Amendment filed November 30, 2004, it is respectfully submitted that this application is now in condition for allowance. A Notice of Allowance for claims 1-10 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, he is encouraged to contact Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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